

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 04-10060-RCL
	)	
GEORGE SCHUSSEL,	)	
Defendant	)	

**MOTION FOR LEAVE TO FILE, BY MARCH 18, 2005, MEMORANDA OF LAW IN  
REPLY TO THE GOVERNMENT'S OPPOSITIONS TO HIS PRETRIAL MOTIONS  
AND TO THE GOVERNMENT'S RESPONSE TO DEFENDANT'S REPLY TO  
OPPOSITION TO DEFENDANT'S MOTION TO SUPPRESS EVIDENCE ON CLAIM  
OF PRIVILEGE**

Now comes the defendant George Schussel and respectfully moves that this Honorable Court grant him leave to file by March 18, 2005:

(1) memoranda of law in reply to the government's oppositions to his pretrial motions which were filed on January 18, 2005, and

(2) a reply to the Government's Response to Defendant's Reply to Opposition to Defendant's Motion to Suppress Evidence On Claim of Privilege.

Defendant requests that the due date for such reply memoranda be set for March 18, 2005.

As reason therefor, defendant states:

1. On October 15, 2004, defendant filed his Motion to Suppress Government's Use and Acquisition of Privileged Materials and for Other Appropriate Relief, along with a supporting memorandum of law. The government filed an Opposition thereto under seal on or about December 1, 2004. On January 14, 2005, defendant filed (under seal) his Reply to the government's Opposition. The government sought, and received, leave to file a Response to defendant's Reply, which was filed under seal on March 4, 2005. That response was 31 pages in length.

2. The motion addressed in the preceding paragraph and the government's responses thereto raise factually and legally complex issues relating to the attorney-client privilege and the work-product privilege. The government's Response to the defendant's Reply raises at least one new issue which defendant believes it necessary to address. In addition, defendant believes that permitting him to file a reply to the government's Response would be of assistance to the Court in resolving the complex issues before it. Defendant will limit his reply to matters raised in the government's Response.

3. On January 18, 2005, defendant filed a number of pretrial motions, to which the government filed its Oppositions on March 4, 2005. Defendant believes that permitting him to file replies to the government's oppositions is necessary to complete presentation to the Court of the issues involved and will be of assistance to the Court in resolving the issues before it.

4. AUSA Carmen Ortiz assents to the granting of this motion.

WHEREFORE defendant requests that this Honorable Court permit him to file on or before March 18, 2005:

1. A memoranda of law in reply to the government's oppositions to his pretrial motions which were filed on January 18, 2005, and

(2) A reply to the Government's Response to Defendant's Reply to Opposition to Defendant's Motion to Suppress Evidence On Claim of Privilege.

Respectfully submitted,  
By his attorneys,

/s/ Francis J. DiMento, Sr.  
Frank J. DiMento, Sr.  
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Date: March 8, 2005

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